

## Message Text

CONFIDENTIAL

PAGE 01 STATE 158186  
ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 SS-15 SCS-06 CA-01 HA-05  
PPT-01 CIAE-00 DODE-00 PM-05 H-01 INR-10 NSAE-00  
PA-01 SP-02 ICAE-00 NSCE-00 SSO-00 INRE-00 /063 R

DRAFTED BY EUR/CE:VGRAY:DHT  
APPROVED BY EUR:JEGOODBY  
EUR/CE:RCBARKLEY  
L/M:HSHAMWELL  
S/S:DANDERSON  
CA/SCSLMULLIN(INFO)  
-----015038 212333Z /70

O R 212220Z JUN 78  
FM SECSTATE WASHDC  
TO AMEMBASSY BERLIN IMMEDIATE  
INFO AMEMBASSY BONN  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
USMISSION USBERLIN  
USMISSION USNATO

C O N F I D E N T I A L STATE 158186

E.O. 11652: GDS

TAGS: CGEN, PGOV, GE, US

SUBJECT: US RESPONSE TO GDR'S JUNE 6 PROPOSAL ON  
CONSULAR CONVENTION

REF: A) STATE 145252; B) 77 BERLIN 8041; C) 77 STATE  
28106

1. SUMMARY: ON JUNE 20 GDR AMBASSADOR SIEBER WAS  
CALLED IN BY DEPUTY ASSISTANT SECRETARY GOODBY TO  
RECEIVE USG RESPONSE TO GDR FOREIGN MINISTER  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 158186

FISCHER'S JUNE 6 "COMPROMISE" PROPOSAL ON THE  
CONSULAR CONVENTION (REF A). SIEBER WAS TOLD  
THAT THE JUNE 6 PROPOSAL WAS ESSENTIALLY THE  
SAME AS THE GDR'S PROPOSAL OF OCTOBER 25, 1977  
(REF B) AND THAT, IF GDR CONTINUED TO INSIST  
ON A COURSE IN WHICH GDR NATIONALITY WOULD BE  
DEFINED IN GDR STATEMENT, USG STATEMENT WOULD HAVE

TO CONTINUE TO RESERVE OUR POSITION ON GERMAN NATIONALITY AS IN OUR DECEMBER 8 INFORMAL PROPOSAL (REF C). USG, HOWEVER, REMAINED PREPARED TO SIGN AN AGREEMENT WITHOUT A NATIONALITY CLAUSE AND WITHOUT SEPARATE STATEMENTS. RESPONDING TO FISCHER'S ASSERTION THAT US-UK AND US-JAPAN CONSULAR CONVENTIONS, WHICH CONTAIN NATIONALITY CLAUSES, ARE PRECEDENTS FOR US-GDR CONSULAR CONVENTION, GOODBY POINTED OUT THAT FORMER TWO CONVENTIONS ARE RARE EXCEPTIONS RATHER THAN PRECEDENTS, NECESSITATED AT THE TIME BY PECULIARITIES OF THE BRITISH COMMONWEALTH AND THE UNRESOLVED STATUS OF OKINAWA. SIEBER EXPRESSED DISAPPOINTMENT AND OPINED THAT USG RESPONSE "MEANS THERE IS NO MOVEMENT." LEAVING THE MEETING, SIEBER ASKED IF GOODBY'S PRESENTATION REPRESENTED THE SECRETARY'S RESPONSE TO FISCHER'S PROPOSAL AND WAS TOLD THAT IT DID. END SUMMARY.

2. GOODBY OPENED HIS PRESENTATION ON THE CONSULAR CONVENTION WITH AN EXPLANATION OF OUR GENERAL POLICY ON NATIONALITY CLAUSES. HE HAD, HE SAID, IMPRESSION THAT GDR MAY THINK THAT WE HAD OVERLOOKED OUR CONSULAR AGREEMENTS WITH THE UK AND JAPAN AS "PRECEDENTS." THESE AGREEMENTS, HE CONTINUED, WERE "VERY SPECIFIC EXCEPTIONS" TO A POLICY THAT

CONFIDENTIAL

PAGE 03 STATE 158186

EVEN THEN WAS MOVING AWAY FROM THE INCLUSION OF NATIONALITY CLAUSES IN OUR BILATERAL CONSULAR CONVENTIONS. OUR POLICY TODAY IS "VERY STRONGLY" NOT TO INCLUDE SUCH CLAUSES IN SUCH AGREEMENTS. IN THE CASE OF JAPAN, A NATIONALITY CLAUSE HAD BEEN INCLUDED TO COVER THE UNRESOLVED STATUS OF OKINAWA AND THE RYUKYUS. DEPARTMENT LAWYER SHAMWELL SAID BY WAY OF AMPLIFICATION THAT NATIONALITY DEFINITIONS IN JAPANESE CONVENTION WERE INTENDED TO CLARIFY THE QUESTION OF WHICH PEOPLE WOULD RECEIVE THE PROTECTION OF THE CONSULS OF ONE SIDE OR THE OTHER. WITH THE REVERSION OF THE RYUKYUS TO JAPAN THERE WAS, HE SAID, NO LONGER A PROBLEM IN THIS REGARD. IT IS ALSO TRUE, HE SAID, THAT WE NO LONGER PERCEIVE A PROBLEM INVOLVING NATIONALITY DEFINITION WITH THE UK, AND, IN FACT, IN THE CURRENT RENEGOTIATION OF THE US-UK CONSULAR CONVENTION, THE US DRAFT DOES NOT CONTAIN A NATIONALITY CLAUSE. NOTING THAT THE NATIONALITY CLAUSE HAD BEEN INCLUDED IN THE EARLIER US-UK CONSULAR CONVENTION TO FIT BRITISH NEEDS CONCERNING, FOR EXAMPLE, HONG KONG AND GIBRALTAR, GOODBY SAID THAT HE HAD GONE INTO THIS QUESTION

AT LENGTH AS BACKGROUND TO POINT OUT THAT THE  
UK AND JAPAN CONVENTIONS WERE NOT PRECEDENTS.

3. THE GDR PROPOSAL OF JUNE 6, GOODBY SAID, WAS  
SIMILAR TO THE GDR INFORMAL PROPOSAL OF OCTOBER  
25 -- A PROPOSAL WITH WHICH THE USG HAD FOUND IT  
DIFFICULT TO WORK. A DEFINITION OF GDR CITIZENS  
AS THOSE SO DEFINED BY THE LAWS OF THE GDR IS AN  
OPEN-ENDED PROPOSITION. THE GDR COULD THEORETICALLY  
CHANGE THOSE LAWS TO DECLARE, FOR EXAMPLE, THAT EVEN  
SOME CITIZENS OF THE US WERE CITIZENS OF THE GDR.  
GOODBY THEN ADDED THAT, AS AMBASSADOR SIEBER "WELL  
KNOWS," THE US HAS A PROBLEM WITH REGARD TO GERMAN  
NATIONALITY AND THAT, IF THE GDR WISHES TO PURSUE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 158186

THE ROUTE OF DEFINING GDR CITIZENSHIP IN ITS  
STATEMENT, WE CANNOT GO ALONG UNLESS WE ADDRESS OUR  
WELL-KNOWN POSITION ON GERMAN NATIONALITY IN OURS.  
TO BE SPECIFIC, IF THE GDR INSISTS ON A VARIATION  
OF ITS JUNE 6 STATEMENT, WE MUST INSIST UPON A  
REJOINDER ALONG THE LINES OF OUR DECEMBER 8 TEXT  
OR A VARIATION THEREOF. GOODBY EXPRESSED THE FRANK  
OPINION THAT WE WOULD ALL BE BETTER OFF IF WE  
FOLLOWED A COURSE THAT WOULD COMPROMISE NOBODY;  
I.E., DROP BOTH THE NATIONALITY CLAUSE AND THE SEPARATE  
STATEMENTS. NOTING AGAIN THAT THE UK AND JAPAN  
AGREEMENTS WERE NOT PRECEDENTS, HE SAID THAT THE  
US-GDR CONSULAR CONVENTION WOULD THEN TREAT  
NATIONALITY IN THE SAME WAY AS WE HAVE HANDLED THIS  
ISSUE WITH OTHER COUNTRIES. GOODBY SAID THAT HE COULD  
NOT SEE HOW THIS WOULD EMBARRASS THE GDR. SUCH A  
SOLUTION, WHICH WOULD AVOID POLITICAL PROBLEMS  
ALL AROUND, WOULD ENABLE US TO NEGOTIATE A  
CONSULAR CONVENTION EXPEDITIOUSLY.

4. SIEBER SAID THAT THIS RESPONSE "MEANS THAT THERE  
IS NO MOVEMENT." GOODBY REPLIED THAT HE WOULD  
NOT SO CHARACTERIZE OUR RESPONSE AND THAT HE THOUGHT  
THAT THAT RESPONSE WAS, IN FACT, FORTHCOMING.  
SIEBER ASKED RHETORICALLY, "WHY DON'T YOU ADDRESS  
YOUR NATIONALITY IN YOUR LETTER AND LET US ADDRESS  
OURS IN OUR LETTER?" GOODBY REPLIED THAT WE HAVE  
A LONG-STANDING PROBLEM ON GERMAN NATIONALITY  
BUT WILL CONTINUE OUR REVIEW OF THE PROBLEM. IN  
CLOSING, SHAMWELL ADDED THAT WE HAVE COMMENCED  
NEGOTIATIONS OF 15 OR 20 OTHER CONSULAR CONVENTIONS  
IN THE PAST THREE YEARS, THAT NONE OF THOSE  
CONVENTIONS CONTAIN NATIONALITY CLAUSES OR SEPARAT:  
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 158186

LETTERS, AND THAT OUR POLICY IN THIS REGARD IS  
CONSISTENT.

5. SIEBER OBJECTED THAT THE CASE OF GDR WAS  
SPECIAL BECAUSE OF THE GERMAN QUESTION. POLITICAL  
OFFICER LAETZCH, WHO ACCOMPANIED SIEBER, SAID  
THAT THERE WERE SUCH THINGS AS THE PARIS TREATY  
AND OTHER STATEMENTS WHICH THE GDR COULD NOT ACCEPT.  
GOODBY REPLIED THAT WE ARE NOT ASKING GDR TO  
ACCEPT THOSE TREATIES JUST TO PUT THE QUESTION  
ASIDE. SIEBER AGAIN SAID THAT HE THOUGHT "OUR  
COMPROMISE" WAS TO ADDRESS THE ISSUE IN A SEPARATE  
EXCHANGE OF LETTERS. GOODBY REITERATED THAT WE HAD  
AGREED ON AN EXCHANGE OF LETTERS BUT THAT OUR  
UNDERSTANDING WAS AND CONTINUES TO BE THAT OUR LETTER  
WOULD ALLOW US TO STATE OUR OPINION ON GERMAN  
NATIONALITY. IT WOULD HE SAID BE BETTER TO  
GET AWAY FROM THAT PROBLEM AND TO DROP THE SEPARATE  
STATEMENTS. MUSING THAT THE GDR'S EXPERTS WOULD  
HAVE TO ADDRESS THE ISSUE, LAETZCH THEN OPINED THAT  
THIS WAS REALLY MORE THAN AN ISSUE FOR EXPERTS SINCE  
IT "GOES STRAIGHT TO OUR EXISTENCE." ASKED HOW,  
LAETZCH SAID THAT THE GDR HAS SIGNED OTHER  
CONSULAR AGREEMENTS WITH NATIONALITY CLAUSES WITH  
OTHER COUNTRIES. SIEBER THEN CONTENDED THAT THE US,  
FOR EXAMPLE, HAD NO PROBLEM REGARDING NATIONALITY  
WHEN NEGOTIATING THE CONSULAR CONVENTION WITH POLAND.  
SHAMWELL OBJECTED, SAYING THAT THERE HAD INDEED  
BEEN GREAT DIFFICULTY ON THE NATIONALITY QUESTION  
WITH THE POLES AND THAT THE QUESTION OF THE SCOPE  
OF CONSULAR PROTECTION HAD BEEN A CONTENTIOUS  
ISSUE. THAT ISSUE HE SAID HAD BEEN SOLVED THROUGH  
AN EXCHANGE OF LETTERS ESTABLISHING A MODUS OPERANDI  
BASED ON THE PASSPORTS CARRIED BY CITIZENS OF ONE  
COUNTRY OR THE OTHER AND THE TREATMENT TO BE ACCORD:D  
TO THE BEARERS OF ONE PASSPORT OR THE OTHER  
CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 158186

BUT WHICH DID NOT CONTAIN A DEFINITION OF  
NATIONALITY. ALLOWING THAT HE WAS NOT AN EXPERT  
AND WAS NOT RESPONSIBLE FOR NEGOTIATING THE  
CONSULAR CONVENTION, SIEBER SAID THAT HE WOULD  
REPORT CAREFULLY TO BERLIN.

6. IN THE HALLWAY OUTSIDE GOODBY'S OFFICE, SIEBER

ANXIOUSLY ASKED ACCOMPANYING DEPARTMENT OFFICER  
WHETHER THIS REPRESENTED THE SECRETARY'S RESPONSE  
TO FISCHER'S PROPOSAL AND WAS TOLD THAT, YES, IT DID.

7. FOR BONN AND USNATO: POSTS MAY DRAW UPON ABOVE  
IN BRIEFING BONN GROUP AND NATO. FRG, BELGIAN AND  
ITALIAN EMBASSIES IN WASHINGTON HAVE BEEN BRIEFED ON  
SUBJECT. VANCE

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSULAR AGREEMENTS, GOVERNMENT REACTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE158186  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** VGRAY:DHT  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780259-0576  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780633/aaaabdbz.tel  
**Line Count:** 232  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 4c2e3984-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 STATE 145252, 77 BERLIN 8041, 77 STATE 1978  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 29 jun 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2258909  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US RESPONSE TO GDR'S JUNE 6 PROPOSAL ON CONSULAR CONVENTION  
**TAGS:** CGEN, PGOV, GC, US  
**To:** BERLIN  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/4c2e3984-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014